

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 25-48 are pending in this case, Claims 43-48 having been currently withdrawn; and Claims 30, 32, 33, 35, 36 and 44 having been currently amended. Support for amended Claims 30, 32, 33, 35, 36 and 44 can be found for example, in the original claims, drawings, and specification as originally filed. No new matter has been added.

In the outstanding Office Action, Claims 30 and 36 were rejected under 35 U.S.C. §112, second paragraph; Claims 25, 26, 28, 31, 33, 34, and 39 were rejected under 35 U.S.C. §102(e) as anticipated by Yoshizawa (U.S. Patent Publication No. 2006/0144090); Claims 27 and 29 were rejected under 35 U.S.C. §103(a) as unpatentable over Yoshizawa in view of Sugawara et al. (U.S. Patent No. 5,837,026; hereinafter “Sugawara”); Claim 32 was rejected under 35 U.S.C. §103(a) as unpatentable over Yoshizawa in view of Honjo et al. (U.S. Patent Publication No. 2002/0095954; hereinafter “Honjo”); Claim 35 was rejected under 35 U.S.C. §103(a) as unpatentable over Yoshizawa in view of Artani et al. (U.S. patent No. 4,735,646; hereinafter “Artani”); Claim 37 was rejected under 35 U.S.C. §103(a) as unpatentable over Yoshizawa; Claim 40 was rejected under 35 U.S.C. §103(a) as unpatentable over Yoshizawa in view of Honjo et al. (JP 2000-281367; hereinafter “Honjo II”); Claim 41 was rejected under 35 U.S.C. §103(a) as unpatentable over Yoshizawa in view of Letemps et al. (U.S. Patent NO. 5,562,750; hereinafter “Letemps”); Claims 38 and 42 were rejected under 35 U.S.C. §103(a) as unpatentable over Yoshizawa and Letemps in view of Artani; and Claim 25 was provisionally rejected under non-statutory obviousness-type double patenting.

In response to the rejection of Claims 30 and 36 under 35 U.S.C. §112, second paragraph, Applicants have amended these claims to correct the informalities noted in the

outstanding Office Action. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. §112, second paragraph has been overcome.

With regard to the non-statutory double patenting rejection, a terminal disclaimer can be filed, if the claims in the present application remain obvious in view of the claims of the cited U.S. patent application at the time of allowance of the present application. Furthermore, additional amendments (if needed for allowance of these claims) may eliminate the double-patenting rejection, making the filing of a terminal disclaimer at this time premature. Indeed, M.P.E.P. § 804.02(IV) states that, prior to issuance, it is necessary to disclaim each one of the double patenting references applied. Hence, Applicants respectfully request that the Examiner contact the undersigned should the present amendments and arguments be accepted and should the present application be otherwise in condition for allowance. At that time, a terminal disclaimer if warranted can be supplied to expedite issuance of this case.

With regard to the rejection of Claims 25-29, 31-35, and 37-42 under 35 U.S.C. §102 and §103 as anticipated by or unpatentable over Yoshizawa, these rejections are respectfully traversed.

It is respectfully noted that the publication date of Yoshizawa, July 6, 2006, is after the effective filing date of the present application, October 8, 2003. In addition, the publication date of PCT application PCT/JP03/12714, April 29, 2004, is also after the effective filing date of the present application, October 8, 2003. Therefore, Yoshizawa is not prior art with respect to the present application under 35 U.S.C. §102(a) or §102(b).

With regard to 35 U.S.C. §102(e), it is noted that Yoshizawa is also not prior art. Yoshizawa does not have a 35 U.S.C. §102(e) prior art date as PCT/JP03/12714 (filed on October 3, 2003) was not published in English. Under 35 U.S.C. §102(e), no benefit of the international filing date is given under 35 U.S.C. §102(e) for prior art purposes if the international application was published under PCT Article 21(2) in a language other than

English, regardless of whether the international application entered the national stage. See MPEP 706.02(f)(1), particularly Example 5. In this case, PCT/JP03/12714 was published in Japanese.

Accordingly, it is respectfully submitted that Yoshizawa does not qualify as prior art with respect to the claims of the present application under 35 U.S.C. §102. Accordingly, Yoshizawa may not be used in the rejection of any of Claims 25-48. Therefore, all the rejections of these claims based on Yoshizawa are traversed.

Since Applicants have not substantively amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action**.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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